

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DAVID D. DANIELS,

Petitioner,

v.

KENNETH MCKEE,

Respondent.

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Case No. 5:06-cv-140

HONORABLE PAUL L. MALONEY

Magistrate Judge Joseph G. Scoville

**JUDGMENT**

In accordance with the Opinion and Order filed this date:

Daniels's amended petition for a writ of habeas corpus is **DENIED**.

This is a final order, but the court declines to issue a certificate of appealability.<sup>1</sup>

**IT IS SO ORDERED this 29<sup>th</sup> day of July 2009.**

/s/ Paul L. Maloney

Honorable Paul L. Maloney  
Chief United States District Judge

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“[A]n order denying a certificate of appealability is not appealable.” *Sims v. US*, 244 F.3d 509, 509 (6<sup>th</sup> Cir. 2001), *followed by Crowley v. Renico*, 81 F. App'x 36, 37 (6<sup>th</sup> Cir. 2003) and *US v. Badru*, 2008 WL 1683113, \*1 (D.C. Cir. July 27, 2004) (p.c.) (Rogers, Tatel, John Roberts).